

BEFORE THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ON PETITION FOR A BUTTE ALLUVIAL AND BEDROCK CONTROLLED GROUND
WATER AREA (BABCGWA)

The Butte-Silver Bow City-County Health Department filed a petition for establishment of a controlled ground water area (CGWA) with the Department of Natural Resources and Conservation (DNRC). The petition requests the DNRC designate a permanent controlled ground water area and prohibit new water rights from groundwater diversions in the aquifer located within the boundaries of the controlled groundwater area. The petition also seeks the abandonment of existing wells that by their operation contaminate other waters. Preventing current and future groundwater use in this area is proposed to supplement the Superfund remedies for this aquifer.

A hearing before the Montana DNRC to consider the establishment of a CGWA will be held at the Copper Lounge in the Student Union Building of Montana Tech, University of Montana on May 11, 2009, beginning at 1:00 p.m. The address is 1300 West Park, Butte, MT 59701. The hearing will be held pursuant to MCA §§85-2-506 and -507. The purpose of this hearing is to collect oral and written evidence relevant to the proposed designation of a BABCGWA.

The proposed area is in all of the following land descriptions: All of Sections 17 & 18 in Township 3 N, Range 7 W and all of Section 13 in Township 3 N, Range 8 W. All of the SW quarter of Section 16, N2 of Section 19, NW of Section 7, S2 of Section 7 and the SW of Section 8 in Township 3 N, Range 7 W. As well as all of the E2 of Section 12 and N2 of Section 24 in Township 3 N, Range 8 W in Silver Bow County.

The area is also in portions of each of the following: Part of the NW & SE of Section 16, S2 of Section 19, N2 of Section 20, N2 of Section 21, SW of Section 6, NE of Section 7, N2 of Section 8, and SE of Section 8 in Township 3 N, Range 7 W. As well as part of the SE of Section 8, SW of Section 9 and the SE of Section 11, W2 of Section 12, E2 of Section 14, S2 of Section 1, N2 of Section 23, S2 of Section 23, S2 of Section 24, NW of Section 25 and the NE of Section 26 in Township 3 N, Range 8 W in Silver Bow County.

The site is generally located within the city of Butte, west of the Berkeley Pit and north of Interstate 90. A copy of the petition that includes a detailed map showing the proposed boundaries of the area and a list of land parcels within the area is available from the DNRC, Water Resources Regional Office, 1424 9th Ave. in Helena, MT (406-444-6999) or on the internet at: http://dnrc.mt.gov/wrd/water_rts/cgwa/.

The applicant has provided information that water quality within the groundwater area is not suited for a specified beneficial use and that excessive groundwater withdrawals would cause contaminant migration.

All interested persons may present relevant evidence or testimony at this hearing, either in person or by attorney, in support of or in opposition to the granting of the petition as

| proposed by the petitioners. An Environmental Assessment of the department's administration of the groundwater closure has been completed and is available at the Water Resource Regional Office or on the department's web site at:
<http://www.dnrc.state.mt.us/wrd/>.

The DNRC will make reasonable accommodation for any disability that may interfere with an individual's ability to attend this hearing. For consideration of any such accommodation, please contact Tim Lewis at 406-444-9755 (TTY number: 1-800-253-4091) as soon as possible before the hearing date.